

HOUSE No. 1996

By Mr. Hill of Ipswich, petition of Bradford Hill and others relative to the safety of junior operators. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Kathi-Anne Reinstein
Karyn E. Polito

Stephen P. LeDuc
Barbara A. L'Italien

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE SAFETY OF JUNIOR OPERATORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13D of chapter 71 of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by
3 striking out, in line 4, the words:— a commissioner of education
4 in collaboration with the.

1 SECTION 2. Said section 13D of said chapter 71, as so
2 appearing, is hereby further amended by inserting after the word
3 “vehicles”, in line 5, the following words:— No school com-
4 mittee, high school or private high school shall employ any person
5 to conduct a driver education course unless such person is certi-
6 fied by the registrar as a driving instructor.

1 SECTION 3. Section 1 of chapter 90 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting after the definition of “House trailer” the following defi-
4 nition:— “Immediate family member” an immediate family
5 member shall include mother, father, step-mother, step-father,
6 brother, sister, step-brother, and step- sister.

1 SECTION 4. Said section 1 of said chapter 90, as so appearing,
2 is hereby further amended by inserting after the definition of
3 “Intersecting way” the following definition:— “Junior operator’s
4 supervised driving log”, a form provided by the registry of motor
5 vehicles, designated for the purpose of tracking supervised driving
6 time for an operator holding a driver’s permit. Such form shall
7 include the date of supervised driving, the duration of supervised
8 driving, name of operator, name, initials, and signature of super-
9 vised driver.

1 SECTION 5. Section 8 of said chapter 90 of the General Laws,
2 as appearing in the 2002 Official Edition, is hereby amended by
3 striking out, in line 48, the words “12 hours of supervised driving”
4 and inserting in place thereof the following words:— 30 hours of
5 supervised driving or the applicant has completed not less than 20
6 hours of supervised driving along with the completion of an
7 advanced driver training course as approved by the registrar.

1 SECTION 6. Said section 8 of said chapter 90, as so appearing,
2 is hereby further amended by inserting after the word “course”, in
3 line 49,” the following words:— said driver education and
4 training course shall consist of a minimum of 30 hours of class-
5 room instruction; provided however that, a student shall also com-
6 plete a minimum of 18 hours of on-road instruction in a motor
7 vehicle and provided no student shall have less than 6 hours of
8 observing another student driver, and no student shall have less
9 than 12 hours of behind the wheel driving; provided further, that
10 no student shall have more than 1 on-road session per day and no
11 session shall be more than two hours length.

1 SECTION 7. Said section 8 of said chapter 90, as so appearing,
2 is hereby further amended by inserting after the word “guardian”,
3 in line 53, the following words:— along with a junior operator
4 supervised driving log, as defined in section 1.

1 SECTION 8. Said section 8 of said chapter 90, as so appearing
2 is hereby further amended by striking out, the words, in lines 56
3 and 57, “six months” and inserting in place thereof the following
4 words:— year of licensure while a person under 18 years of age,

5 other than the operator or an immediate family member as defined
6 in section 1.

1 SECTION 9. Said section 8 of said chapter 90, as so appearing
2 is hereby further amended by striking out, in line 63, the figure,
3 “30” and inserting in place thereof the following figure:— 90.

1 SECTION 10. Said section 8 of said chapter 90, as so appearing
2 is hereby further amended by striking out, in line 64, the figure
3 “60” and inserting in place thereof the following figure:— 180.

1 SECTION 11. Said section of 8 said chapter 90, as so appearing
2 is hereby further amended by striking out, in line 64, the word “90
3 days” and inserting in place thereof the following word:— 1 year.

1 SECTION 12. Said section 8 of said chapter 90, as so
2 appearing, is hereby further amended by striking, in line 68, the
3 words “six month” and inserting in place thereof the following
4 word:— 12 months.

1 SECTION 13. Said section 8 of said chapter 90, as so
2 appearing, is hereby further amended by striking out in, lines 79
3 to 81, the words:— “only when a junior operator of a motor
4 vehicle has been lawfully stopped for a violation of the motor
5 vehicle laws or some other offense”.

1 SECTION 14. Said section 8 of said chapter 90, as so
2 appearing, is hereby further amended by adding the following
3 paragraph:—

4 No person holding a junior operator’s license shall use a mobile
5 telephone while driving. For the purposes of this section, a
6 “mobile telephone” shall include, but not be limited to, a mobile
7 telephone utilizing cellular, analog, satellite, wireless or digital
8 telephone technology, and capable of sending or receiving tele-
9 phone communications. A violation of this section shall be pun-
10 ishable by a fine of \$100 for the first offense, by a fine of \$250 for
11 second offense and by a fine of \$500 for third or subsequent
12 offenses. A violation of this paragraph shall not be considered a
13 conviction of a moving violation of the motor vehicle laws for the

14 purpose of determining surcharges on motor vehicle premiums
15 pursuant to section 113 of chapter 175. An insurance company
16 doing business in the commonwealth shall not deny an individual
17 the right to purchase a motor vehicle liability policy based on a
18 violation of this paragraph.

1 SECTION 15. Section 20 of said chapter 90, as so appearing, is
2 hereby amended by striking out, in line 84, the word “suspended”
3 and inserting in place thereof the following words:— suspended
4 for a period of 90 days for first offense, suspended.

1 SECTION 16. Section 32G of said Chapter 90 as so appearing,
2 is hereby further amended by striking out, in line 1, the word “no”
3 and inserting in place thereof the following words: — No licensed
4 private driver school.

1 SECTION 17. Said section 32G of said chapter 90, as so
2 appearing is hereby further amended, by striking out, in line 4,
3 the words “driver school” and inserting in place thereof the
4 following words:— a driver school, which shall include any form
5 of instruction for compensation, for each class of driver license
6 recognized under law.

1 SECTION 18. Said section 32G of said chapter 90 as so
2 appearing, is hereby further amended by inserting after the first
3 paragraph the following paragraph:—

4 A school committee that provides a driver education instruction
5 program pursuant to section 13D of chapter 71 need not be so
6 licensed, provided that only driving instructors certified by the
7 registrar may provide driver education instruction and provided
8 further that a high school teacher, so certified, shall be exempt
9 from the initial certification fee and each renewal fee, as long as
10 the teacher remains employed by the school committee and pro-
11 vided that said instructor only provides driver education pursuant
12 to his employment as a high school teacher. For the purposes of
13 this section, a private high school that provides driver education
14 instruction to its own students through the school’s own academic
15 teachers shall be subject to the same requirements as if such driver
16 education instruction were provided by a school committee, and a

17 private academic teacher providing driver education instruction
18 for a private high school shall be subject to the same requirements
19 as a high school teacher providing driver education instruction on
20 behalf of a school committee.

1 SECTION 19. Said section 32G of said chapter 90 as so
2 appearing, is hereby further amended by inserting after the word
3 “two”, in line 30 by the following words:— consecutive years
4 immediately preceding the current calendar year.

1 SECTION 20. Said section 32 G of said chapter 90 as so
2 appearing, is hereby further amended by striking the word, in line
3 32 and 34, “years” and inserting in place thereof the following
4 words:— consecutive years immediately preceding the current
5 calendar year.

1 SECTION 21. Said section 32G of said chapter 90 as so
2 appearing, is hereby further amended by inserting after the ninth
3 paragraph the following paragraph:—
4 No licensee shall knowingly employ, in connection with a
5 driver school in any capacity whatsoever, any person who has
6 been convicted of a felony, or of any crime involving violence,
7 dishonesty, deceit, indecency, degeneracy or moral turpitude.

1 SECTION 22. Said section 32G of said chapter 90 as so
2 appearing, is hereby further amended by striking out, in line 107,
3 the word “no person shall be employed by a licensee” and
4 inserting in place thereof the following words:— No person shall
5 be employed by a licensee, a school committee, or a private high
6 school.

1 SECTION 23. Said section 32G of said chapter 90 as so
2 appearing, is hereby further amended by inserting after the tenth
3 paragraph the following paragraph:—
4 The registrar may deny the application of any person for a cer-
5 tificate as a driving instructor if, in his discretion, he determines
6 that:—
7 (a) Such applicant has made a material false statement or con-
8 cealed a material fact in connection with his application.

9 (b) Such applicant is the former holder of a driver school
10 instructor certificate which was revoked or suspended by the reg-
11 istrar.

12 (c) Such applicant has been convicted of a felony, or of any
13 crime involving violence, dishonesty, deceit, indecency, degen-
14 eracy or moral turpitude.

15 (d) Such applicant has failed to furnish satisfactory evidence of
16 good character, reputation and fitness.

1 SECTION 24. Said section 32G of said chapter 90, as so
2 appearing, is hereby further amended by striking out the eleventh
3 paragraph and inserting in place thereof the following two para-
4 graphs:—

5 No school committee or private high school may continue to
6 employ a driver school or a driving instructor in a driver educa-
7 tion program, if the license of the driver school or the certificate
8 of the instructor has been suspended, revoked or not renewed by
9 the registrar.

10 Except where a refusal to issue a driving instructors certificate
11 or renewal, or revocation or suspension, is based solely on a court
12 conviction or convictions, a driving instructor or applicant shall
13 have an opportunity to be heard, such hearing to be held at such
14 time and place as the registrar shall prescribe. A driving instructor
15 or applicant entitled to a hearing shall be given due notice thereof.
16 The sending of a notice of a hearing by mail to the last known
17 address of a licensee or applicant ten days prior to the date of the
18 hearing shall be deemed due notice.

19 Each licensee, each school committee and each private high
20 school shall only use a vehicle for road instruction that is
21 equipped with a functional safety belt for each occupant and is
22 equipped with an air bag for the driver. The student driver and
23 every other occupant of the vehicle shall wear the safety belt, in a
24 properly secured manner, whenever the vehicle is in motion.

1 SECTION 25. Said Chapter 90 is hereby further amended by
2 inserting after section 32G the following section:—

3 Section 32G ½: Notwithstanding the provisions of section 32G,
4 instruction for hire in the operation of motor vehicle shall not
5 include programs which teach advanced driving skills and crash

6 avoidance techniques exclusively on an off-road course approved
7 by the registrar to student drivers under the age of 18 who possess
8 a learner's permit and whose parent or guardian has enrolled the
9 student driver in such program as part of the additional hours of
10 behind-the-wheel driving instruction to be supervised by a parent
11 or guardian, or a license designee over the age of 21, as required
12 under the provisions of section 8B. Such instruction shall not be
13 provided to a student driver under the age of 18 unless the student
14 driver is either currently enrolled in or has successfully completed
15 a basic driver education program provided by a school licensed
16 under section 32G of said chapter, or by a public or private sec-
17 ondary school driver education program overseen by the registrar.
18 No student under the age of 18 may be credited with the comple-
19 tion of an advanced driving skills and crash avoidance techniques
20 program unless the program is certified as meeting standards set
21 by the registrar through rules and regulations and the registrar is
22 satisfied the student has successfully completed the program. No
23 program or person shall advertise or hold themselves as being cer-
24 tified to provide instruction in advance driving skill and crash
25 avoidance techniques for student drivers under the age of 18 years
26 of age unless the program or person possess a certificate for such
27 instruction issued by the registrar. The registrar may make rules
28 and regulations to implement a program to establish minimum
29 acceptable program standards and may certify programs and
30 instructors who provide instruction in advance driving skills and
31 crash avoidance techniques on an approved off road course.

1 SECTION 26. There is hereby established a special commis-
2 sion to consist of 2 members of the senate, 2 members of the
3 house of representatives, the registrar of motor vehicles or his
4 designee and 4 persons to be appointed by the governor, one of
5 whom shall be a representative of the Massachusetts Association
6 of Professional Driving Schools, one of whom shall be a represen-
7 tative of the American Automobile Association, one of whom
8 shall be a representative of the National Safety Council, and one
9 of whom shall be a representative for driver education in public
10 schools, for the purpose of making an investigation and study
11 relative to the curriculum of driver education programs certified
12 by the department of education for public schools and driver edu-

13 cation programs provided by public and private driving schools.
14 Such investigation and study shall include, but not be limited to,
15 the specific driver education curriculum requirements, develop-
16 ment of procedures, and an evaluation of training programs for
17 instructors.

18 Such commission shall report to the general court the results of
19 its investigation and study, and its recommendations, if any,
20 together with drafts of legislation to carry its recommendations
21 into effect, by filing the same with the clerk of the house of repre-
22 sentatives on or before March 1, 2005.

1 SECTION 27. There is hereby established a special commis-
2 sion to consist of 2 members of the senate, 2 members of the
3 house of representatives, the registrar of motor vehicles or his
4 designee and 2 persons to be appointed by the governor, one of
5 whom shall be a representative of the Massachusetts Association
6 of Professional Driving Schools, and one of whom shall be a rep-
7 resentative for the National Safety Council for the purpose of
8 making an investigation and study for the feasibility of providing
9 an electronic data communication between public and private dri-
10 ving schools and the registrar for the purpose of facilitating the
11 efficient transfer of information as required under chapter 90 of
12 the General Laws.

13 Such commission shall report to the general court the results of
14 its investigation and study, and its recommendations, if any,
15 together with drafts of legislation to carry its recommendations
16 into effect, by filing the same with the clerk of the house of repre-
17 sentatives on or before the March 1, 2005.

1 SECTION 28. There is hereby established a special commis-
2 sion to consist of 2 members of the senate, 2 members of the
3 house of representatives, the registrar of motor vehicles or his
4 designee, a representative from the Massachusetts Police Associa-
5 tion, and one person to be appointed by the governor, one of
6 whom shall be a representative of the Massachusetts Association
7 of Professional Driving Schools for the purpose of making an
8 investigation and study dealing with the enforcement and penal-
9 ties placed on programs provided by public and private driving
10 schools in violation of the registry of motor vehicles guidelines,

11 and rules and regulations established thereunder relative to the
12 operation and certification of driving schools and of the certifica-
13 tion of persons completing the program requirements of such dri-
14 ving schools.

15 Such commission shall report to the general court the results of
16 its investigation and study, and its recommendations, if any,
17 together with drafts of legislation to carry its recommendations
18 into effect, by filing the same with the clerk of the House of Rep-
19 resentatives on or before the March 1, 2005.